

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:24-CV-00035-M

ERICA RENEE WATKINS,

Plaintiff,

v.

SECRETARY OF VETERANS AFFAIRS,

Defendant.

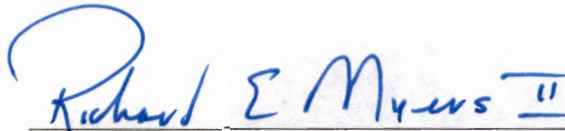
ORDER

This matter comes before the court for review of the Memorandum and Recommendation (the “Recommendation”) filed on February 16, 2024, by Magistrate Judge Robert T. Numbers, II, in accordance with 28 U.S.C. § 636(b). DE 5. In the Recommendation, Judge Numbers recommends that the court deny Plaintiff’s application to proceed in forma pauperis and dismiss the Complaint due to Plaintiff’s failure to timely file suit after receiving a notice of right to sue letter from the Equal Employment Opportunity Commission. *Id.* at 3-5. The Recommendation, which includes instructions and a deadline for objections, was served on February 16, 2024. *See id.* at 6. Plaintiff did not object to the Recommendation. *See* Docket Entries dated February 16, 2024, to present.

The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” 28 U.S.C. § 636(b), but need only “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made,” *id.* Notwithstanding that Plaintiff raised no objections to the Recommendation, the court has reviewed the in forma pauperis application and concurs with the Recommendation, in that Plaintiff has sufficient income and assets such that she

is not entitled to have the public bear the costs of her litigation. *See* 28 U.S.C. § 1915(a); *United States v. Valdes*, 300 F. Supp. 2d 82, 85 (D.D.C. 2004) (observing that court may not turn “blind eye to [applicant’s] actual financial circumstances,” which would “render [] court an unfit steward of the public purse”). The court further discerns no clear error in the Recommendation’s analysis related to administrative exhaustion. The Recommendation [DE 5] is hereby ADOPTED, the application to proceed in forma pauperis [DE 2] is DENIED, and Plaintiff’s Complaint [DE 1] is DISMISSED WITHOUT PREJUDICE.¹

SO ORDERED this 27th day of March, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE

¹ This dismissal is without prejudice to Plaintiff re-raising her claim of employment discrimination under a federal statute that does not require administrative exhaustion.